

1 CHRISTOPHER CHIOU
2 Acting United States Attorney
3 District of Nevada
4 Nevada Bar Number 14853
5 HOLLY A. VANCE
6 Assistant United States Attorney
400 South Virginia Street, Suite 900
Reno, Nevada 89501
775-784-5438
holly.a.vance@usdoj.gov

Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL J. WELLS,

Plaintiff,

V.

ISABELLA CASILLAS GUZMAN, in her official capacity as the Administrator of the U.S. SMALL BUSINESS ADMINISTRATION, DOES 1-10; ROE CORPORATIONS I through X,

Defendants.

Case No. 3:19-cv-00407-MMD-CLB

**STIPULATION FOR EXTENSION OF
DEADLINE TO FILE REPLY**

(First Request)

Plaintiff MICHAEL J. WELLS and Defendant ISABELLA CASILLAS GUZMAN¹ hereby stipulate and agree to extend the March 30, 2021 deadline for Defendant to file a reply in support of Defendant's Motion to Dismiss or, Alternatively, for Summary Judgment by 35 days—until May 4, 2021. This stipulation is filed pursuant to Federal Rule of Civil Procedure 6(b)(1)(A) and Local Rules IA 6-1 and 26-3 and is supported by good cause.

¹ Guzman has been automatically substituted as Defendant for Tami Perriello. See Fed. R. Civ. P. 25(d) (public officer's successor is automatically substituted as party where public officer ceases to hold public office).

1 **A. DISCOVERY AND OTHER MATTERS COMPLETED TO DATE**

2 The parties held an initial discovery conference pursuant to Fed. R. Civ. P. 26(f),
3 and submitted their initial disclosures, as required by Rule 26(a). The parties also filed their
4 Proposed Joint Discovery Plan and Scheduling Order, which the Court approved on
5 February 12, 2020. (ECF Nos. 11-12). Defendant and Plaintiff each responded to reciprocal
6 interrogatories and requests for production submitted by the other party. The parties also
7 made multiple voluntary disclosures of thousands of pages of documents. Finally, the
8 parties attempted to settle the case on more than one occasion.

9 On February 1, 2021, Defendant moved to dismiss, or alternatively, for summary
10 judgment in the case. (ECF No. 33). Plaintiff responded to that motion on March 23, 2021.
11 (ECF No. 37). Defendant's reply is currently due on March 30, 2021.

12 **B. DISCOVERY THAT REMAINS TO BE COMPLETED**

13 Discovery closed on November 2, 2020.

14 **C. REASON FOR EXTENSION**

15 Despite due diligence, defense counsel will be unable to timely file her reply in
16 support of Defendant's Motion to Dismiss or, Alternatively, for Summary Judgment for a
17 multitude of reasons. Defense counsel faces multiple filing deadlines in several cases
18 before both the district court and Ninth Circuit Court of Appeals. She also will be
19 conducting depositions and attending three mediations that will require her to travel out of
20 town. In addition, only a limited number of attorneys and support staff may work in the
21 defense counsel's office due to the pandemic, thereby slowing the time it takes to complete
22 required tasks. Lastly, defense counsel's office was inundated with COVID-related cases
23 and a higher-than-normal number of immigration cases over the last few months. The
24 deadlines in those cases were shortened and required prompt action which inhibited
25 defense counsel's ability to focus on her regularly-assigned duties. Under the
26 circumstances, good cause exists for an extension to allow defense counsel a meaningful
27 opportunity to review Plaintiff's response brief and draft a reply. *See* Fed. R. Civ. P.
28 6(b)(1)(A) ("When an act may or must be done within a specified time, the court may, for

1 *good cause*, extend the time...with or without motion or notice if the court acts, or if a
2 request is made, before the original time or its extension expires[.]") (emphasis added); LR
3 26-3 (stipulation for extension must be supported by "good cause").

4 **D. PROPOSED REVISED DEADLINES**

5 If granted, the requested extension would result in a new deadline of May 4, 2021
6 for Defendant to file her reply brief. The joint pre-trial order would then be due 30 days after
7 a decision on Defendant's motion to dismiss, or alternatively, for summary judgment.

8 This is the first request to extend the deadline for Defendant to file her reply. *See* LR
9 IA 6-1(a) (must advise of previous extensions of the subject deadline). This stipulated
10 request is filed in good faith and not for the purpose of undue delay.

11 Respectfully submitted this 29th day of March 2021.

12 ERICKSON, THORPE &
13 SWAINSTON, LTD.

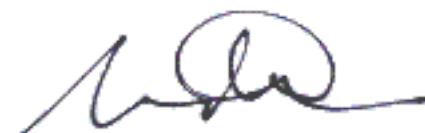
14 /s/ John C. Boyden
15 JOHN C. BOYDEN, ESQ.
Counsel for Plaintiff

NICHOLAS A. TRUTANICH
United States Attorney

16 /s/ Holly A. Vance
HOLLY A. VANCE
Assistant United States Attorney
Attorneys for Jovita Carranza

17 IT IS SO ORDERED.

18 DATED: March 29, 2021.



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CARLA BALDWIN
U.S. MAGISTRATE JUDGE